

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN KNIGHT, DONNA RUSSELL )  
KNIGHT, CHARLES COLE, VIIU )  
NIILER, AND COUNTRY GLASS )  
SHOP, )  
Plaintiffs, )  
v. )  
CHRISTMAS TREE SHOPS, INC. )  
Defendant. )  
\_\_\_\_\_  
Case No. 04 12698 JLT

**DEFENDANT CHRISTMAS TREE SHOPS, INC.'S**  
**MOTION FOR A LIMITED STAY OF DISCOVERY UNTIL RESOLUTION OF**  
**ITS MOTION TO DISMISS THE THIRD AND FOURTH COUNTS OF**  
**PLAINTIFFS' COMPLAINT**

Defendant Christmas Tree Shops, Inc. ("CTS") respectfully requests that this Court enter an order staying any discovery in this action relating to the Third and Fourth Counts of Plaintiffs' Complaint, which allege RICO claims under 18 U.S.C. § 1962(a), (c) & (d), until the Motion to Dismiss these Counts brought by CTS has been resolved.

Specifically, CTS requests that all discovery be stayed as to these two Counts, including discovery relating to:

- (a) any alleged infiltration of, conspiracy with, or association between CTS and the People's Liberation Army of China, the People's Republic of China, and "other" Chinese Suppliers (see Complaint ¶31);
- (b) any alleged predicate acts relating to any alleged infringement or theft of copyright and trade dress belonging to Cheryl Hannant, the Candle Factory, Stained

Glass Designs, and the “many other crafts makers” referenced in ¶35 of the Complaint (see Complaint ¶¶33-35); and

(c) any alleged harm due to the investment of racketeering proceeds in the People’s Liberation Army of China, the People’s Republic of China, and “other” Chinese Suppliers (see Complaint ¶47).

A ruling in favor of CTS on its pending Motion to Dismiss would obviate the need for any discovery on the racketeering claims found in the Third and Fourth Counts of Plaintiffs’ Complaint. Accordingly, to conserve the resources of both the parties and this Court, CTS requests that discovery in this action be limited to the issues alleged in the First and Second Counts of the Complaint -- trade dress and unfair competition -- pending the outcome of its Motion to Dismiss.

Respectfully submitted,

**CHRISTMAS TREE SHOPS, INC.**  
By its attorneys:

/s/ Breton Leone-Quick

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Dated: May 24, 2005

**LOCAL RULES 7.1(A)(2) AND 37.1(B) CERTIFICATIONS**

I, Breton Leone-Quick, hereby certify that pursuant to Local Rules 7.1(A)(2) and 37.1(B) counsel for Christmas Tree Shops, Inc. conferred in good-faith by telephone with Joel Joseph, Esq., counsel for Plaintiffs, in an attempt to narrow or resolve this issue.

Dated: May 24, 2005

/s/ Breton Leone-Quick  
Breton Leone-Quick, Esq.

**CERTIFICATE OF SERVICE**

I, Breton Leone-Quick, hereby certify that a true and exact copy of Defendant Christmas Tree Shops, Inc.'s Motion for a Limited Stay of Discovery Until Resolution of Its Motion to Dismiss the Third and Fourth Counts of Plaintiffs' Complaint, has been served electronically, and by fax and by mail, on May 24, 2005, to the attorneys for plaintiffs listed below:

<b>Mr. Joel Joseph, Esq.</b> 7272 Wisconsin Ave. #300 Bethesda, MD 20814 Fax: 240-209-4000	<b>Daniel E. Chaika, Esq.</b> Chaika & Chaika 30 Rolfe Square Cranston, RI 02910 Fax: 401-941-5299
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Dated: May 24, 2005

/s/ Breton Leone-Quick  
Breton Leone-Quick, Esq.